

**Meeting of the Central Valley Flood Protection Board
December 3, 2010**

Staff Report – Encroachment Permit

**Matt Gnagy
Boat Dock, Sutter County**

1.0 – ITEM

Consider approval of Permit No. 18595 (Attachment B)

2.0 – APPLICANT

Matt Gnagy

3.0 – LOCATION

The project is located along on the left (east) bank of the Sacramento River.
(Sacramento River, Sutter County see Attachment A)

4.0 – DESCRIPTION

To authorize an existing 60- by 32-foot boat dock, supported by four 12-inch-diameter pilings, attached to a 3.5-foot-wide, 66-foot-long gangway. The project was previously built without an encroachment permit. Staff has successfully worked with the applicant to bring this project into compliance.

5.0 – PROJECT ANALYSIS

The applicant is requesting the Board to authorize an existing boat dock, piling and gangway as stated in the description above. The existing encroachments have been in place and have shown no signs of any adverse condition being apparent. No further overall analysis is needed.

5.1 – Hydraulic Analysis

A hydraulic analysis was not needed as the existing encroachments would not have normally required a hydraulic analysis as the hydraulic impacts from boat docks are considered insignificant.

5.2 – Geotechnical Analysis

A geotechnical analysis was not needed as the existing encroachments would not have required a geotechnical analysis as in stream piling for boat docks and gangway landings are insignificant in relation to general flood control project earthwork.

6.0 – AGENCY COMMENTS AND ENDORSEMENTS

The comments and endorsements associated with this project, from all pertinent agencies are shown below:

- The U. S Army Corps of Engineers 208.10 comment letter has not yet been received for this application. Upon receipt of a favorable letter and review by Board staff it will be incorporated into the permit as Exhibit A.
- Reclamation District 1000 has endorsed this application with conditions and they will be incorporated into the permit as Exhibit B.

7.0 – PROPOSED CEQA FINDINGS

Board staff has prepared the following CEQA determination:

The Board, acting as the CEQA lead agency, has determined that the project is categorically exempt from CEQA under a Class 1 Categorical Exemption (CEQA Guidelines Section 15301) covering existing structures.

8.0 – SECTION 8610.5 CONSIDERATIONS

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

The boat dock is existing; therefore there are no new impacts to the State Plan of Flood Control.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

The existing boat dock, piling and gangway may need to be modified in the future due to increased flood flows.

9.0 – STAFF RECOMMENDATION

Staff recommends that the Board adopt the CEQA findings, approve the permit conditioned upon receipt of a favorable U.S. Army Corps of Engineers comment letter, and direct staff to file a Notice of Exemption with the State Clearinghouse.

10.0 – LIST OF ATTACHMENTS

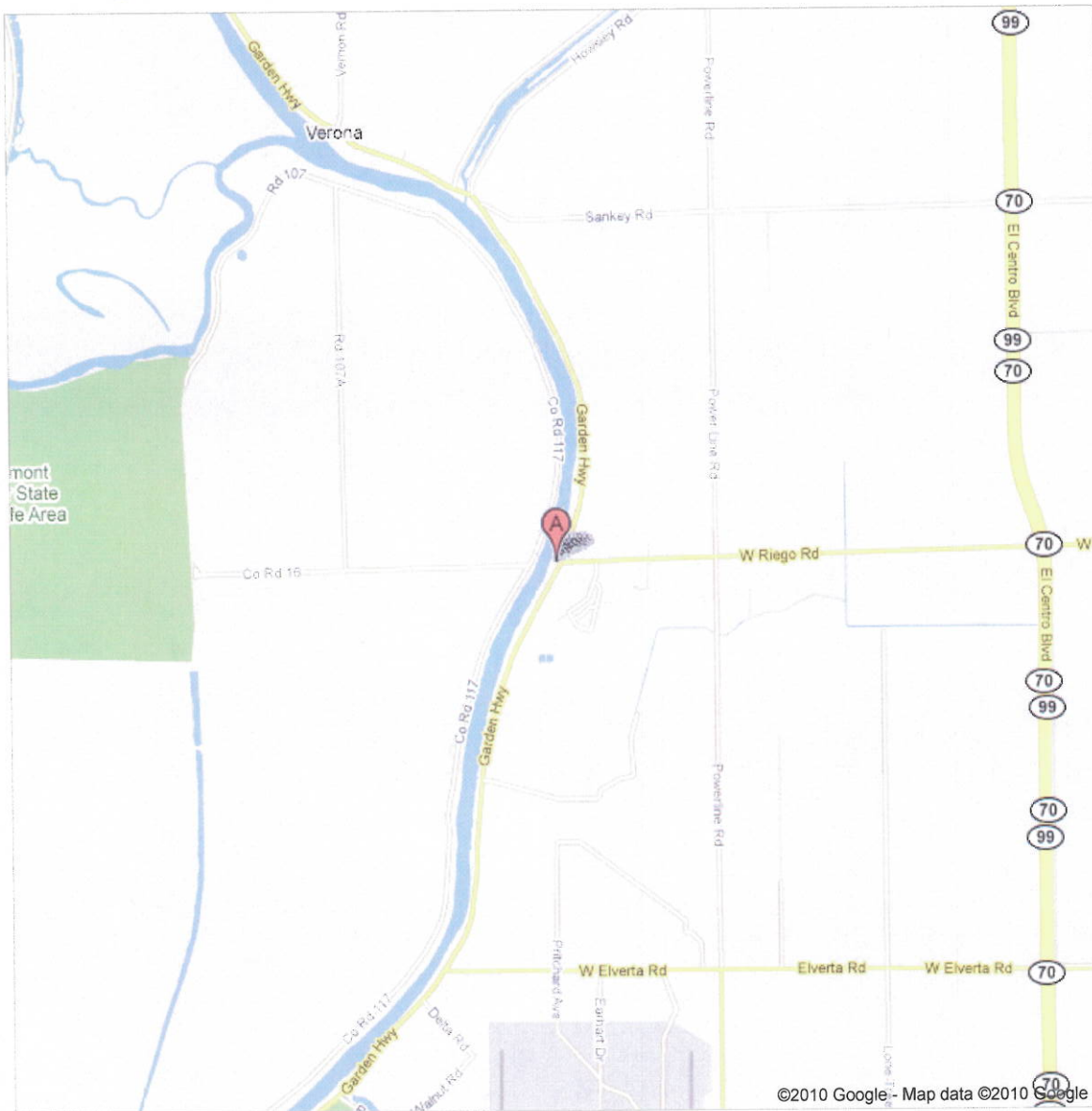
- A. Location Maps
- B. Draft Permit No. 18595
- C. Design Drawing

Report Completed by:	Steve Dawson
Environmental Review:	James Herota
Document Review:	Gary Lemon P.E., Len Marino P.E.



Address **10005 Garden Hwy
Sacramento, CA 95659**

Notes Vicinity Map - 10005 Garden
Highway



Vicinity Map - 10005 Garden Highway



DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY
THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 18595 BD

This Permit is issued to:

Matt Gnagy
949 Miners Ridge Ct., #1
Incline Village, California 89451

To authorize an existing 60- by 32-foot boat dock, supported by four 16-inch-diameter pilings attached to a 3.5-foot-wide, 66-foot-long gangway on the left (east) bank levee of the Sacramento River. The project is located in Sacramento at 10005 Garden Highway (Section 36, T11N, R3E, MDB&M, Reclamation District 1000, Sacramento River, Sutter County).

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project as described above.

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

ONE: This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

TWO: Only work described in the subject application is authorized hereby.

THREE: This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and The Central Valley Flood Protection Board.

FIVE: Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of The Central Valley Flood Protection Board.

SIX: This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15

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days' notice.

SEVEN: It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

EIGHT: This permit does not establish any precedent with respect to any other application received by The Central Valley Flood Protection Board.

NINE: The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

TEN: The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

ELEVEN: The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

TWELVE: Should any of the work not conform to the conditions of this permit, the permittee, upon order of The Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

SPECIAL CONDITIONS FOR PERMIT NO. 18595 BD

THIRTEEN: All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

FOURTEEN: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Department of Water Resources, Reclamation District No. 1000 or any other agency responsible for maintenance.

FIFTEEN: The permittee shall contact the Department of Water Resources by telephone, (916) 574-0609, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

SIXTEEN: The Central Valley Flood Protection Board, Department of Water Resources, and Reclamation District No. 1000 shall not be held liable for any damages to the permitted encroachment(s) resulting from flood fight, operation, maintenance, inspection, or emergency repair.

SEVENTEEN: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board may remove the encroachment(s) at the permittee's expense.

EIGHTEEN: The permittee should contact the U.S. Army Corps of Engineers, Sacramento District, Regulatory Branch, 1325 J Street, Sacramento, California 95814, telephone (916) 557-5250, as compliance with Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act may be required.

NINETEEN: The permittee shall be responsible for repair of any damages to the project levee and other flood control facilities due to operation or maintenance of the proposed project.

TWENTY: The permittee is responsible for all liability associated with operation and maintenance of the permitted facilities and shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California; including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages arising from the project undertaken pursuant to this permit, all to the extent allowed by law. The State expressly reserves the right to supplement or take over its defense, in its sole discretion

TWENTY-ONE: The permittee shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California, including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages related to the Central Valley Flood Protection Board's approval of this permit, including but not limited to claims filed pursuant to the California Environmental Quality Act. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.

TWENTY-TWO: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

TWENTY-THREE: The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) are determined by any agency responsible for operation or maintenance of the flood control project to interfere, the permittee shall be required, at permittee's cost and expense, to modify or remove the permitted encroachment(s) under direction of the Central Valley Flood Protection Board or Department of Water Resources. If the permittee does not comply, the Central Valley Flood Protection Board may modify or remove the encroachment(s) at the permittee's expense.

TWENTY-FOUR: The top of driven piles shall be a minimum distance of 2 feet above the design flood plane elevation of 37.5 feet, NGV Datum.

TWENTY-FIVE: The existing floating facilities shall be properly anchored to prevent detachment from the anchoring system during periods of high water.

TWENTY-SIX: Debris that may accumulate on the permitted encroachment(s) and related facilities shall be cleared off and disposed of outside the floodway after each period of high water.

TWENTY-SEVEN: In the event that levee or bank erosion injurious to the adopted plan of flood control occurs at or adjacent to the permitted encroachment(s), the permittee shall repair the eroded area and propose measures, to be approved by the Central Valley Flood Protection Board, to prevent further erosion.

TWENTY-EIGHT: Objects connected to the dock shall be properly secured to prevent detachment during periods of high water.

TWENTY-NINE: The permittee shall be responsible for removing all boats or other objects moored to the dock upon receiving notification to do so from the Central Valley Flood Protection Board, Department of Water Resources, or any other federal, State, or local agency having applicable authority.

THIRTY: Any additional encroachment(s) on the waterward berm or in the channel require an approved permit from the Central Valley Flood Protection Board and shall be in compliance with the Central Valley Flood Protection Board's regulations (Title 23 California Code of Regulations).

THIRTY-ONE: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated December XX, 2010, which is attached to this permit as Exhibit A and is incorporated by reference.

THIRTY-TWO: The permittee shall comply with all conditions set forth in the letter from reclamation District No. 1000 dated February 25, 2010, which is attached to this permit as Exhibit B and is incorporated by reference.

APPLICATION FOR A CENTRAL VALLEY FLOOD PROTECTION BOARD
ENCROACHMENT PERMITApplication No. 18595
(For Office Use Only)

1. Description of proposed work:

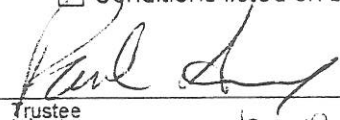
This is an application for use of an existing floating boat dock and ramp. The property owner is not proposing any work at this time. The new owner acquired the property on December 28, 2009 and wants to ensure he has the appropriate approvals for use of the existing boat dock as the riparian landowner. We located an existing permit that was issued by the Reclamation Board on March 12, 1980. Therefore, we seek to have the existing permit amended and transferred to the new owner, or a new permit issued, to ensure the landowner has approval to use the current floating boat dock and ramp. The existing layout includes the following: 60' x 32' floating boat dock; four 12" +/- pilings; 66' x 3' 6" ramp

2. Location: 10005 Garden Highway, Sutter County County, in Section Section 36Township: T11N (N) (S), Range R3E (W), M. D. B. & M.3. Tiffany Scalia, Scalia Goodin LLP of 1107 Second Street, Suite 300
Name of Applicant AddressSacramento
CityCA
State95814
Zip Code916-441-4259
Telephone Number916-441-4378
Fax Number

4. Endorsement: (of Reclamation District)

We, the Trustees of Reclamation District 1000 RD 1000
Name and District Number

approve this plan, subject to the following conditions:

☐ Conditions listed on back of this form☒ Conditions Attached☐ No Conditions02/25/2010

Date

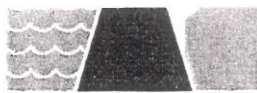
Trustee

Date

Not required by Resolution 2010-02
copy attached adopted February 8, 2010

5. Names and addresses of adjacent property owners sharing a common boundary with the land upon which the contents of this application apply. If additional space is required, list names and addresses on back of the application form or an attached sheet

James Prouty (Prouty Family)
Name10111 Garden Highway, Sacramento, CA
Address95837
Zip CodeRichard Sorensen10000 Garden Highway, Sacramento, CA95837To the east is Garden HighwayTo the west is the Sacramento River

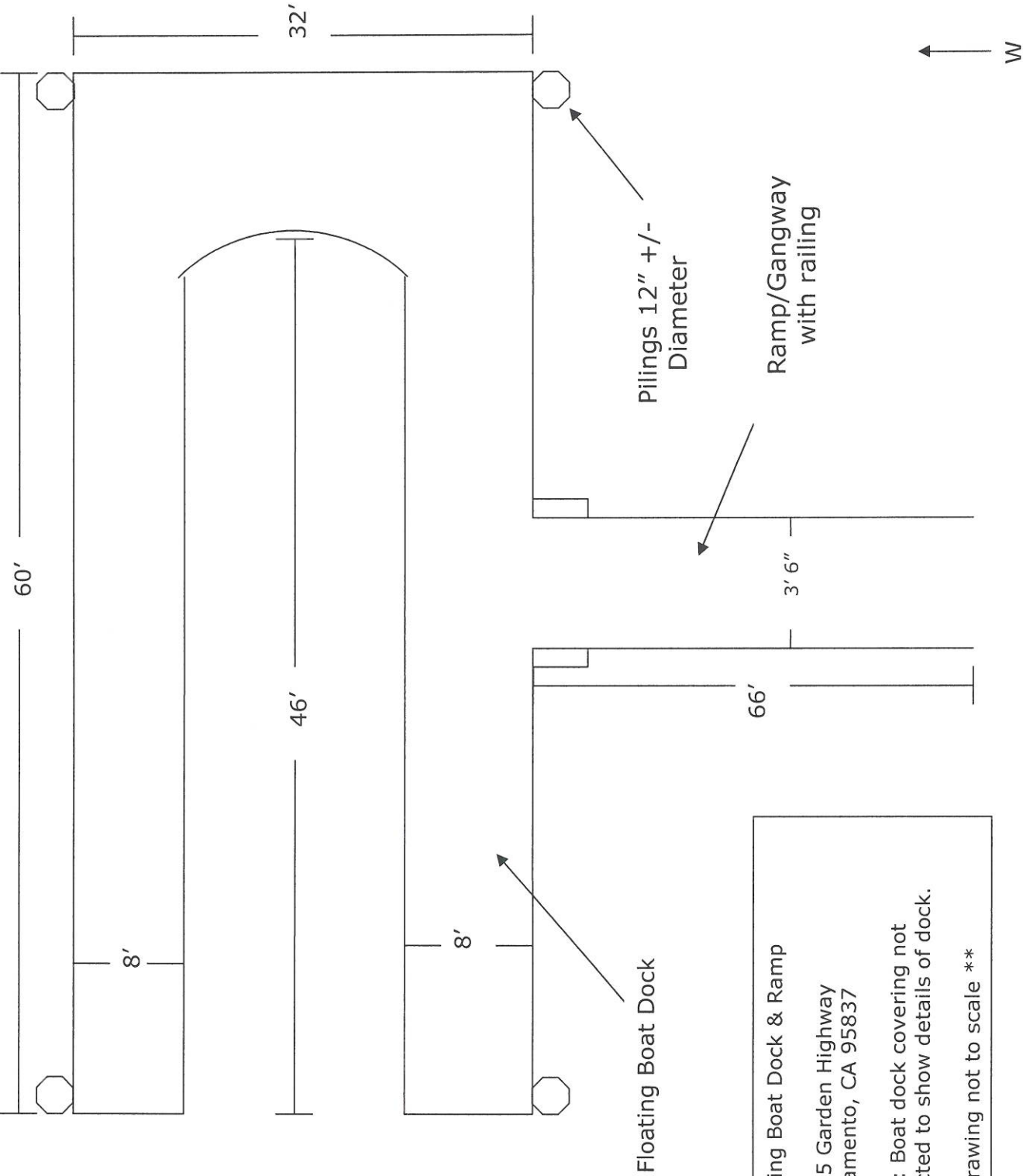


RD1000

RECLAMATION
DISTRICT 1000**Permit Conditions****Permit Application No.** 18595 d**Location:** 10005 Garden Highway--Sacramento River RM 76.7L (approx)**Applicant:** Matthew Gnagy (Property Owner)**Description:** Boat Dock (Existing)**CONDITIONS:**

1. Maintenance of all encroaching structures, facilities, vegetation or any other items or matters approved under this permit shall remain the responsibility of the Permittee.
2. Permittee may be required, at the Permittee's sole cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted work if such removal, alteration, relocation or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if the encroachment interferes with the District's ability to operate and maintain its flood control facilities or if the encroaching facilities are damaged by any cause.
3. Permittee shall obtain all necessary permits and regulatory approvals for the existing dock
4. Per Section 127 of Title 23, all debris caught by the proposed boat dock shall be cleared and disposed of outside the floodway following each period of high water to the satisfaction of the District and the Central Valley Flood Protection Board (CVFPB).
5. Permittee is responsible for any damage to public or private facilities along the river should the structure or associated boat break free and shall hold the District and the CVFPB harmless from any liability as a result of placing this structure in an active floodway.
6. Permittee shall remain responsible for any erosion on the waterside levee slope or waterside berm caused by the permitted encroachment and shall repair such erosion prior to the next flood season to the satisfaction of the District and the CVFPB

Plan View / Overhead



Existing Boat Dock & Ramp
10005 Garden Highway
Sacramento, CA 95837

Note: Boat dock covering not depicted to show details of dock.

** Drawing not to scale **